FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.280 OF 2006

M/s Nilesh Sales Corporation thru. Mr.Ramesh Chandra Thakkar
V/s
Smt.Bhagyashree w/o Yashwant Buty

Office Notes, Office Memoranda of Coram, appearances, Court's Orders of directions and Registrar's orders	Court's or Judge's Order

---

CORAM : A.B.Chaudhari, J.

DATED : 27th June, 2007

Heard Mr.Gaikwad, Advocate holding for Mr.A.C.DHarmadhikari, learned counsel for petitioner and Mr.Khanzode, learned counsel for respondents.

What is under challenge in this petition is the order dated22/4/2003 made by the 2nd Additional District Judge, Nagpur refusing to condone the delay in filing First Appeal before him. The delay was of about 10 months. The appellate court has given

reasons in para 5 of its order for refusing to accept the explanation tendered by the petitioner for condonation of delay. Having gone through the impugned order and having heard the learned counsel for the parties, I am satisfied that the finding recorded by the appellate court is neither perverse nor absurd. The court has not accepted the reasons for condonation of delay rightly. The impugned order does not suffer from any error.

Writ petition is, therefore, dismissed.

It appears that the a Civil Revision Application was filed on 03/9/2003 in this court questioning the said impugned order. The affidavit to C.R.A. appears to have been made in the Registry of this Court on 28/7/2003. The present petition appears to have been filed in this Court in February, 2006. Page 12 of the writ petition shows solemn affirmation in the same typing font and frame, which was used in writ petition. But, page 13 along with affidavit appears to have been taken out from the

C.R.A. which was allowed to be converted. The words 'Civil Revision Application' has been encircled and word 'petition' has been inserted on page 13.

Registrar (Judicial), High Court, Nagpur Bench, Nagpur is directed to make inquiry in the matter and place the report before this court within a period of **eight weeks**.

JUDGE

PDiwale